

1 Danial D. Pharris, WSBA #13617  
2 Lasher Holzapfel Sperry &  
3 Ebberson, P.L.L.C.  
4 601 Union Street, Ste. 2600  
5 Seattle, WA 98101-4000  
6 Tel: (206) 624-1230  
7 Fax: (206) 340-2563  
8 Email: pharris@lasher.com

The Honorable Frederick P. Corbit  
Chapter 11

8 UNITED STATES BANKRUPTCY COURT  
9 EASTERN DISTRICT OF WASHINGTON

10 In re:

11 GIGA WATT INC.,  
12  
13 Debtor.

No. 18-03197-FPC11

**NC MACHINERY CO.'S NOTICE OF  
CONTINUATION AND INTENT TO  
ENFORCE CLAIMS OF  
CONSTRUCTION LIENS**

16 Pursuant to 11 USC §546 (b) (2), creditor NC Machinery Co. ("NC Machinery") hereby  
17 gives notice to this court, the debtor, and its creditors of continuation, maintenance, perfection and  
18 intention to enforce the following construction liens in the above-captioned bankruptcy case.

19 1. Claims of construction liens are to be recorded on properties commonly and legally  
20 described on Exhibits "1" and "2" attached hereto and incorporated herein by reference; for  
21 materials provided in accordance with the attached notices. The claimed amount of the liens are  
22 1) \$1,586.48 (Exhibit "1") and 2) \$1,923.36 (Exhibit "2"), together with interest accruing at the  
23 rate of 18% per annum until paid, and together with all recording fees. NC Machinery reserves  
24 any entitlement to recover costs and attorneys' fees as part of the Liens, and against the debtor, to  
25 the extent allowed by law.

NC MACHINERY CO.'S NOTICE OF CONTINUATION  
AND INTENT TO ENFORCE CLAIMS OF CONSTRUCTION  
LIENS - 1  
{11422/29107/V749523.DOCX}

LA S H E R	2600 TWO UNION SQUARE
H O L Z A P F E L	601 UNION STREET
S P E R R Y &	SEATTLE, WA 98101-4000
E B B E R S O N	(206) 624-1230
PLLC	FAX (206) 340-2563

2. This notice will also serve as notice of and intent to foreclose on NC Machinery's liens and are served within 90 days after the last work was completed. NC Machinery shall record the liens if and as authorized by the court, however, all preconditions to perfection of NC Machinery's liens have occurred.

3. Giga Watt Inc. filed this bankruptcy on November 19, 2018.

4. NC Machinery has complied with all applicable notice requirements under RCW 60.04.

5. This notice is given pursuant to 11 USC §546 (b) (2) and all other applicable laws in lieu of serving a notice of intent to foreclose and in lieu of commencing suit to foreclose the liens against the Debtor. NC Machinery intends to enforce its lien(s) to the fullest extent permitted by law.

6. Additional documents pertaining to and demonstrating the validity and priority of said lien(s) will be promptly provided upon request.

DATED this 22<sup>th</sup> day of January 2019.

LASHER HOLZAPFEL  
SPERRY & EBBERSON, P.L.L.C.

By: /s/Danial D. Pharris  
 Danial D. Pharris, WSBA #13617  
 Attorneys for NC Machinery Co.

NC MACHINERY CO.'S NOTICE OF CONTINUATION  
AND INTENT TO ENFORCE CLAIMS OF CONSTRUCTION  
LIENS - 2  
{11422/29107/V749523.DOCX}

L A S H E R	2600 TWO UNION SQUARE
H O L Z A P F E L	601 UNION STREET
S P E R R Y &	SEATTLE, WA 98101-4000
E B B E R S O N	(206) 624-1230
	FAX (206) 340-2563

# **EXHIBIT 1**

**NOTICE TO OWNER**  
**IMPORTANT: READ BOTH SIDES OF THIS NOTICE CAREFULLY.**  
**PROTECT YOURSELF FROM PAYING TWICE.**

**Date: November 30, 2018**

**To:** MLDC 1, LLC, 10622 227TH AVE. SE, MONROE, WA 98272  
GIGA WATT, INC., 1250 N WENATCHEE AVE. # H-147, WENATCHEE, WA 98801  
GIGA WATT, INC., 1 CAMPBELL WAY, EAST WENATCHEE, WA 98802  
GIGA PLEX, LLC, 10622 227TH AVE. SE, MONROE, WA 98272

**From: NC MACHINERY CO., INC.**

**RE:** 7906 RANDOLPH RD. NE, MOSES LAKE, WASHINGTON

**AT THE REQUEST OF (Materials/services ordered by): GIGA WATT, INC.**

**THIS IS NOT A LIEN:** this is sent to you to tell you who is providing professional services, materials, or equipment for the improvement of your property and to advise you of the rights of these persons and your responsibilities. Also take note that laborers on your project may claim a lien without sending you a notice.

**OWNER/OCCUPIER OF EXISTING RESIDENTIAL PROPERTY**

Under Washington law, those who furnish labor, professional services, materials or equipment for the repair, remodel, or alteration of your owner-occupied principal residence and who are not paid, have the right to enforce their claim for payment against your property. This claim is known as a construction lien.

The law limits the amount that a lien claimant can claim against your property for Professional Services, Materials and Equipment. Claims may only be made against that portion of the contract price you have not paid to your prime contractor as of the time this notice was given to you or three days after this notice was mailed to you. Review the back of this notice for more information and ways to avoid lien claims.

**COMMERCIAL AND/OR NEW RESIDENTIAL PROPERTY**

We have or will be providing professional services, materials or equipment for the improvement of your commercial or new residential project. In the event you or your contractor fail to pay us, we may file a lien against your property. A lien may be claimed for all professional services, materials or equipment furnished after a date that is sixty days before this notice was mailed to you, unless the improvement to your property is the construction of a new single-family residence, then ten days before this notice was mailed to you.

**Sender: NC MACHINERY CO., INC.**  
**Address: ATTN: DENISE KINKER / 17035 W VALLEY HWY.**  
**TUKWILA, WA 98188**  
**Phone: (425) 251-5800**

If you have questions regarding this notice, please contact Tricia Sweeney or Denise Kinker at NC Machinery.

Brief description of professional services, materials or equipment provided or to be provided: RENTALS / MACHINERY

**\*\* IMPORTANT INFORMATION ON REVERSE SIDE \*\***

Order #18-111552, dated November 29, 2018

KW

## **EXHIBIT 2**

**NOTICE TO OWNER**  
**IMPORTANT: READ BOTH SIDES OF THIS NOTICE CAREFULLY.**  
**PROTECT YOURSELF FROM PAYING TWICE.**

**Date: November 30, 2018**

**To:** CHELAN & DOUGLAS COUNTY PORT DISTRICT, ONE CAMPBELL PKWY. # D, EAST WENATCHEE, WA 98802  
CHELAN & DOUGLAS COUNTY PORT DISTRICT, 455 6TH ST. NE # 100, EAST WENATCHEE, WA 98802  
SALCIDO ENTERPRISES, LLC, 615 N WENATCHEE AVE. # C-1, WENATCHEE, WA 98801  
GIGA WATT, INC., 1250 N WENATCHEE AVE. # H-147, WENATCHEE, WA 98801  
GIGA WATT, INC., 1 CAMPBELL WAY, EAST WENATCHEE, WA 98802

**From: NC MACHINERY CO., INC.**

**RE:** 676 S BILLINGSLEY DR., EAST WENATCHEE, WASHINGTON

**AT THE REQUEST OF (Materials/services ordered by): GIGA WATT, INC.**

---

**THIS IS NOT A LIEN:** this is sent to you to tell you who is providing professional services, materials, or equipment for the improvement of your property and to advise you of the rights of these persons and your responsibilities. Also take note that laborers on your project may claim a lien without sending you a notice.

**OWNER/OCCUPIER OF EXISTING RESIDENTIAL PROPERTY**

Under Washington law, those who furnish labor, professional services, materials or equipment for the repair, remodel, or alteration of your owner-occupied principal residence and who are not paid, have the right to enforce their claim for payment against your property. This claim is known as a construction lien.

The law limits the amount that a lien claimant can claim against your property for Professional Services, Materials and Equipment. Claims may only be made against that portion of the contract price you have not paid to your prime contractor as of the time this notice was given to you or three days after this notice was mailed to you. Review the back of this notice for more information and ways to avoid lien claims.

**COMMERCIAL AND/OR NEW RESIDENTIAL PROPERTY**

We have or will be providing professional services, materials or equipment for the improvement of your commercial or new residential project. In the event you or your contractor fail to pay us, we may file a lien against your property. A lien may be claimed for all professional services, materials or equipment furnished after a date that is sixty days before this notice was mailed to you, unless the improvement to your property is the construction of a new single-family residence, then ten days before this notice was mailed to you.

**Sender:** NC MACHINERY CO., INC.  
**Address:** ATTN: DENISE KINKER / 17035 W VALLEY HWY.  
TUKWILA, WA 98188  
**Phone:** (425) 251-5800

If you have questions regarding this notice, please contact Tricia Sweeney or Denise Kinker at NC Machinery.

Brief description of professional services, materials or equipment provided or to be provided: RENTALS / MACHINERY

**\*\* IMPORTANT INFORMATION ON REVERSE SIDE \*\***

Order #18-111551, dated November 29, 2018

KW